PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

MINUTES

MAY 15, 2012

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday**, **May 15**, **2012** at **3:07** p.m., in **Committee Room** #2. The following members were present:

The Honorable Michael J. Bond, Chair The Honorable Ivory L. Young, Jr. The Honorable C. T. Martin The Honorable Alex Wan The Honorable Joyce Sheperd

The following members were absent:

The Honorable H. Lamar Willis, Vice-Chair The Honorable Cleta Winslow

Others present at the meeting were: Deputy City Attorney, Eric Richardson, Amber Robinson, Warren Hayes and Claude Cole, Law Department; Chief George Turner, Deputy Chiefs Shawn Jones, E. Renee Propes, and Ernest Finley, Major Cerelyn J. Davis, Police Department; Chief Kelvin Cochran, Deputy Chief Wilmond Meadows, Atlanta Fire and Rescue; Interim Chief of Corrections, Patrick Labot and Asst. Chief Diane Jones, Department of Corrections; Court Administrator Christopher Patterson, Municipal Court; Commissioner Richard Mendoza, Department of Public Works; media, public and council staff.

Chairman Bond called the meeting to order at 3:07 p.m. after declaring a quorum present. He then proceeded with the following order of business:

- A. ADOPTION OF AGENDA ADOPTED
- B. APPROVAL OF MINUTES APPROVED
- C. PRESENTATIONS
 - 1. Code Enforcement Update Major C. J. Davis
 - Departmental Overview/Budget
 Police Department
 Atlanta Fire Rescue
 Department of Corrections

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CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 12-R-0626 (1) Claim of <u>State Farm Insurance Company</u>, as <u>subrogee of Coraline Ford (DPW/02)</u>, for damages alleged to have been sustained from an automobile accident on December 20, 2010 at W. Peachtree Street, NE and 10th Street, NE. <u>\$3,508.64</u>
- 12-R-0627 (2) Claim of <u>Bernice L. Daniels and Brandon Edwards</u> (<u>DPW/03</u>), for property damages alleged to have been sustained by driving over a storm grate on March 28, 2011 at 731 Joseph E. Boone. <u>\$1,200.00</u>
- 12-R-0628 (3) Claim of <u>State Farm Insurance Companies</u>, as subrogee of <u>Thera L. Jarvis (AFR/02)</u>, for damages alleged to have been sustained as a result of an automobile accident on December 15, 2010 at the Spring Street Overpass. <u>\$1.469.44</u>
- 12-R-0629 (4) Claim of Lovina Howard, through her attorney, Jack O. Morse (DPRCA/01), for damages alleged to have been sustained as a result of a vehicular accident on October 5, 2011 at Thomasville Drive at Henry Thomas Drive. \$1.800.00
- 12-R-0630 (5) Claim of <u>Kimberlin Nelson, through her attorney, Jack Tilson (DHR/03)</u>, for damages alleged to have been sustained as a result of the omission of benefit coverage on April 14, 2011 at 55 Trinity Street. <u>\$4,828.00</u>
- 12-R-0631 (6) Claim of Atlanta Gas Light Company, through its attorney, John C. Williams (DWM/08), for property damages alleged to have been sustained as a result of a severed gas line during the repair of a water valve on April 13, 2011 at 1958 Walthall Drive. §19,000.00

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RESOLUTIONS

Claims with favorable recommendations:

12-R-0632 (7) Claim of **Robert Roden (DPRCA/01)**, for property damages alleged to have been sustained from a tree root on January 20, 2012 at Boulevard and Casanova Street. **\$559.93**

Claims with unfavorable recommendations:

- 12-R-0633 (8) Claim of **Antoine J. Morrison (DPW/NA)**, for property damages alleged to have been sustained as the result of a road defect on March 31, 2011 at an unknown location.
- 12-R-0634 (9) Claim of **Andrew Dennis, Jr. (NA/NA)**, for property damage alleged to have been sustained as a result of driving over a pothole on January 27, 2012 at 3725 Cascade Road. (Councilmember Young made a motion to approve Items **D1-D9**)

FAVORABLE

E. ORDINANCES FOR FIRST READING

12-O-0665 (1) An Ordinance by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to accept a grant from the Federal Emergency Management Agency's U. S. Department of Homeland Security, 2011 Assistance to Firefighters Grant Program on behalf of the Atlanta Fire Recue Department in the amount of \$393,802.00, for the support of the Atlanta Fire Recue Department's Health and Wellness Program; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

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ORDINANCES FOR FIRST READING (CONT'D)

12-O-0666 (2) An Ordinance by Public Safety and Legal Administration Committee to rescind 11-O-1694 and amend the 2012 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations in the amount of \$93,400.00 from a Grant Award from the Governor's Office of Highway Safety, and \$140,200.00 in matching funds from the City of Atlanta, Georgia, totaling \$233,600.00; to reduce the Department's costs of Traffic Law Enforcement, and to promote safety on the roadways; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

12-O-0667 (3) An Ordinance by Public Safety and Legal Administration Committee amending the 2012 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$5,181,481.00, for Grant G12GA0003A ("Grant"), from the White House Office of National Drug Control Policy ("ONDCP"), for the purpose of Continuing the Atlanta High Intensity Drug Trafficking Area Task Force ("Atlanta HIDTA"); to disrupt and dismantle drug trafficking organizations; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

F. COMMUNICATION

12-C-0624 (1) A Communication from Cathy Richards, President, Atlanta Planning Advisory Board (APAB), to Municipal Clerk Rhonda Dauphin Johnson, submitting their appointment of **Mr. Bill Bozarth** as their representative to serve as a member of the Citizen Review Board, scheduled to begin on the date of Council confirmation.

(Councilmember Wan made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

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G. ORDINANCES FOR SECOND READING

12-O-0581 (1) An Ordinance by Public Safety and Legal Administration Committee to amend the 2012 (Intergovernmental/Grant Fund) Budget, Department of the Mayor, by adding to appropriations in the amount of \$74,909.00 for the continuation of the Weed and Seed Program; and for other purposes.

(Councilmember Wan made a motion to approve.)

FAVORABLE

12-O-0582 (2) An Ordinance by Public Safety and Legal Administration Committee to accept modifications to Grant Award #G10GA0003A, from the White House Office of National Drug Control Policy ("ONDCP"), and to amend the 2012 (Intergovernmental Grant Fund) Budget by adding to anticipations and appropriations the amount of \$79,266.00 with no matching funds, bringing Grant Award #G10GA0003A to a new total of \$5,715,030.00, for the purpose of continuing the Atlanta High Intensity Drug Trafficking Area Task Force ("Atlanta HIDTA"); to disrupt and dismantle drug trafficking organizations; and for other purposes.

(Councilmember Young made a motion to approve.)

FAVORABLE

12-O-0583 (3) An Ordinance by Public Safety and Legal Administration Committee accepting grant modifications to Grant Award #G11GA0003A, from the White House Office of National Drug Control Policy ("ONDCP") and amending the 2012 (Intergovernmental Grant Fund) Budget by and adding to anticipations and appropriations, \$583,447.00, with no matching funds, bringing Grant Award #G11GA0003A to a new total of \$5,649,928.00, for the purpose of continuing the Atlanta High Intensity Drug Trafficking Area Task Force ("Atlanta HIDTA"); to disrupt and dismantle drug trafficking organizations; and for other purposes.

(Councilmember Young made a motion to approve.)

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ORDINANCES FOR SECOND READING (CONT'D)

12-0-0584 (4)

An Ordinance by Public Safety and Legal Administration Committee to accept a grant from the United States Department of Justice, Bulletproof Vest Partnership Grant Program ("BVP"), to supplement the cost of Bulletproof Vests purchased by the Atlanta Police Department to better protect Atlanta Police Officers from gunfire, and to amend the 2012 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$16,316.07 from a grant from the Bulletproof Vest Partnership Program of the United States Department of Justice; and for other purposes.

(Councilmember Young made a motion to approve)

FAVORABLE

12-0-0585 (5)

An Ordinance by Public Safety and Legal Administration Committee to accept a sub-grant from the Georgia Emergency Management Agency ("GEMA"), to aid the City of Atlanta's ongoing efforts to protect itself from terrorist attacks, through the purchase of specialized supplies and equipment for the Department of Police ("Department"), and to amend the 2012 (Intergovernmental Grant Fund) Department of Police Budget, by adding to anticipations and appropriations in the amount of \$115,000.00; and for other purposes.

(Councilmember Young made a motion to approve)

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ORDINANCES FOR SECOND READING (CONT'D)

12-0-0693 (6)

An Ordinance by Councilmembers Michael J. Bond, Natalyn M. Archibong, H. Lamar Willis, C. T. Martin, Kwanza Hall, Keisha Lance Bottom, Carla Smith, Howard Shook, Felicia A. Moore, Aaron Watson, Alex Wan, Joyce Sheperd and Yolanda Adrean amending the Code of Ordinances of the City of Atlanta Part II ("General Ordinances"), Chapter 106 ("Offenses and Miscellaneous Provisions"). Article IV (Offenses Against Public Morals"), Division 3 ("Drugs and Other Controlled Substances") by adding a new section prohibiting the use, sale or delivery of certain dangerous substances, sold and marketed as incense, potpourri or novelty aromatics affecting the public health, safety and welfare of the Citizens of Atlanta and providing for a penalty for violation; and for other purposes.

(Councilmember Bond made a motion to hold)

HELD

H. RESOLUTIONS

12-0-0668 (1)

A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Police, to apply for and accept a grant from the White House Office of National Drug Control Policy ("ONDCP"), in the amount of \$5,181,481.00, for the purpose of disrupting and dismantling illegal drug trafficking organizations; and for other purposes.

(Councilmember Young made a motion to approve)

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RESOLUTIONS (CONT'D)

12-R-0669 (2)

A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Lease Agreement with the Halpern-Oppenheimer Family Foundation, for the rental of 700 square feet of office space located at 3565-10 Martin Luther King, Jr. Drive, Atlanta, Georgia, to be used for a Department of Police Zone Four Mini-Precinct, for the period of August 1, 2012, until July 31, 2015, at a rental rate of \$1.00 for the year, to be charged to and paid from the Fund, Department, Organization and Account Number listed; and for other purposes.

(Councilmember Young made a motion to approve)

FAVORABLE

12-R-0670 (3)

A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to enter into and execute an "Agreement" between the City of Atlanta and Sandy Springs, Georgia for the purpose of providing Automatic and Mutual Aid for emergency and non-emergency responses and the lease for usage of the City of Atlanta's Fire Station 39 by the City of Sandy Springs Fire Department; and for other purposes.

(Councilmember Bond made a motion to hold)

HELD

12-R-0680 (4)

A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of **Alex Jenkins v. City of Atlanta**, Civil Action File No. 2010A31782-1, pending in DeKalb County State Court, in the amount of \$3,000,000.00 (The Settlement Amount"); authorizing the settlement amount to be charged to and paid from Fund, Center Number, Account and Functional Activity Number listed; authorizing payment of \$1,500,000.00 in July 2012 and payment of \$1,500,000.00 in July 2013; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

(Councilmember Wan made a motion to approve)

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RESOLUTIONS (CONT'D)

12-R-0694 (5)

A Resolution by Councilmember Michael J. Bond authorizing the Mayor or designee to enter into an contractual agreement, on behalf of the Municipal Court of Atlanta, with Sentinel Offender Services, LLC for FC-5440, Privatized Probation Services, a revenue generating contract. All funds generated under this contract shall be deposited into the applicable General Fund Revenue Accounts and Agency Fund Liability Accounts; and for other purposes.

(Councilmember Young made a motion to file)

FILE

12-R-0698 (6)

A Resolution by Councilmembers H. Lamar Willis and C. T. Martin authorizing the Mayor on behalf of the Atlanta Police Department and Fulton County, Georgia, to apply for and accept a Joint Edward Byrne Memorial Justice Assistance Grant from the U. S. Department of Justice, Bureau of Justice Assistance, in the amount of \$629,277.00, with no matching funds, for the purpose of supporting Law-Enforcement and Criminal Justice Activities; and for other purposes.

(Councilmember Wan made a motion to approve)

FAVORABLE

12-R-0699 (7)

A Resolution by Councilmembers H. Lamar Willis and C. T. Martin authorizing the Mayor on behalf of the City of Atlanta, to enter into an Interlocal Agreement with Fulton County, Georgia, in order to share funds from the U. S Department of Justice, 2012 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$629,277.00, for the purpose of supporting Law-Enforcement and Criminal Justice Activities; and for other purposes.

(Councilmember Wan made a motion to approve)

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I. PAPERS HELD IN COMMITTEE

10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. (Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)

HELD

10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis as substituted by Public Safety and Legal Administration Committee amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. (Public Hearing held 4/27/10) (Substituted and held 4/27/10 for further evaluation and review)

HELD

10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. (Held 2/23/10 for further review)

HELD

10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts holding permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. (Held 5/11/10 for further review)

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

10-R-0855 (5) Claim of **Ron Tuso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. (Held 5/11/10 for further review by the Law Department)

HELD

10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. (Referred back from Council 7/19/10) (Held 7/27/10 for further review)

HELD

An Ordinance by Councilmembers Kwanza Hall, Michael J. 10-0-1342 (7) Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II. Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. (Held 7/13/10 for further discussion)

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

10-R-1343 (8)

A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith as amended by Public Safety and Legal Administration Committee to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. (Amended and held 7/13/10 for further discussion)

HELD

10-R-1813 (9)

A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. (Held 10/12/10, at the request of the author)

HELD

10-0-1880 (10)

An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. (Held 10/26/10 for further review at the request of the author)

HELD

10-0-2228 (11)

An Ordinance by Councilmember H. Lamar Willis as amended by Public Safety and Legal Administration Committee amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. (Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11) HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

11-R-0772 (12)

A Resolution by Councilmembers Michael J. Bond and Ivory Lee Young, Jr. to amend the Contract with U. K. - LaSalle LLC, (an entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes. (Held 5/10/11 for further discussions)

HELD

11-R-0929 (13)

A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to exercise renewal options with Wrecker Service Vendors listed on Contract FC-6008000003 ("Contract"), for Wrecker Services for vehicles under two (2) tons, on behalf of the Department of Police, all revenues generated under this contract shall be deposited as described in this resolution; and for other purposes. (Referred back by Full Council 10/3/11) (Held 10/11/11 for further review)

HELD

11-0-0996 (14)

An Ordinance by Councilmembers Felicia A. Moore, Natalyn Archibong, Joyce Sheperd, Michael J. Bond, Yolanda Adrean, Kwanza Hall and Alex Wan to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, so as to decrease the number of Municipal Court Judges from ten (10) to eight (8); to waive conflicting ordinances and code sections; and for other purposes. (Referred back by Full Council 7/5/11) (Held 7/11/11 for further review)

HELD

11-0-1479 (15)

An Ordinance by Councilmember Michael J. Bond to amend Chapter 10, (Alcoholic Beverages) of the City of Atlanta Code of Ordinances to provide for the regulation of package and convenience stores; and for other purposes. (Held 10/11/11 at the author's request)

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

12-R-0354 (16)

A Resolution by Councilmembers Kwanza Hall and Michael J. Bond as substituted by Public Safety and Legal Administration Committee authorizing the Mayor on behalf of the City Atlanta Police Department, to enter into a Lease Agreement with Second Bedford-Pine Apartments, L.P., A Georgia Limited Partnership, for the rental of Apartment #101 located at 447 Boulevard, NE, Atlanta, Georgia for a Department of Police Zone Six Mini-Precinct Processing Center from a period of three (3) years, at a rental rate of \$1.00 per year; and for other purposes.

(Councilmember Wan made a motion to approve on substitute)

FAVORABLE ON SUBSTITUTE

12-0-0375 (17)

An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 70, Article II of the Code of Ordinances of the City of Atlanta, Georgia, entitled "Burglar or Robbery Alarm Systems," for the purpose of regulating Burglary and Robbery Alarm Systems within the City of Atlanta in order to reduce the number of false alarms within the City of Atlanta through more efficient regulation of such alarm systems; to waive conflicting ordinances; and for other purposes. (Held 5/1/12 for further review)

HELD

12-0-0485 (18)

An Ordinance by Councilmember Kwanza Hall to amend Section 150-296 of the Code of Ordinances of the City of Atlanta (Entitled "Cruising on Public Streets") so as to expand the "No Cruising Zone" time prohibition from the currently designated period of 7:00 p.m. – 4:00 a.m., to 7:00 p.m. – 7:00 a.m.; to waive conflicting ordinances; and for other purposes. (Held 5/1/12 for further review)

(Councilmember Young made a motion to approve)

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PAPERS HELD IN COMMITTEE (CONT'D)

12-O-0488 (19) An Ordinance by Councilmember Michael J. Bond as substituted by Public Safety and Legal Administration Committee to repurpose General Fund Revenue from City Cell Tower Leases for the Atlanta Police Department Shot Spotter Program; and for other purposes. (Held 5/1/12 for further review) (Substituted and held 5/15/12)

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There being no further business to come before the Committee, the meeting was adjourned at 5:27 p.m.

Respectfully Submitted:

Fredrieca Cooper Legislative Assistant

Bernard R. Thomas

Research and Policy Analyst

The Honorable Michael J. Bond, Chair

Public Safety and Legal Administration Committee